

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

FRANK LEROY LATHAM,

Plaintiff,

v.

No. 16-cv-0095-KG-SMV

**FNU HATCH, *Warden,*
FNU BROWN, *Warden,*
M. LNU, *Major,*
FNU LNU, *Sergeants of Segregation,***

Defendants.

ORDER FOR LIMITED MARTINEZ REPORT

This matter is before the Court on a letter from Plaintiff Frank Leroy Latham, in which he expresses his imminent intention to kill himself. [Doc. 7]. Plaintiff is incarcerated, appears pro se, and is proceeding in forma pauperis. In his letter, Plaintiff states that his “life is in danger,” he faces “death by true predators,” and rather than “get beaten to death,” he has chosen to “die by his own hands.” *Id.* at 1–4. The Court will liberally construe Plaintiff’s letter as a motion for emergency injunctive relief and order Defendants to file a Limited *Martinez* Report.

IT IS ORDERED that Defendants shall respond to Plaintiff’s letter [Doc. 7] by filing a *Martinez* report addressing the allegations raised therein. *See Hall v. Bellmon*, 935 F.2d 1106, 1109 (10th Cir. 1991) (“When the pro se plaintiff is a prisoner, a court-authorized investigation and report by prison officials (referred to as a *Martinez* report) is not only proper, by may be necessary to develop a record sufficient to ascertain whether there are any factual or legal bases for the prisoner’s claims.”). In particular, the report must include information regarding the steps taken by Defendants to secure Plaintiff’s physical safety, both from himself and other inmates,

while confined at Northeast New Mexico Detention Facility. Factual statements in the report must be supported by affidavits or documentary evidence. If the report cites any policies to support Defendants' actions, copies of those policies must be included. The submission of documents without a written report shall not be considered to be in compliance with this order.

IT IS FURTHER ORDERED that Defendants must file their limited *Martinez* report on or before **March 17, 2016**. Defendants must serve a copy of the report on Plaintiff, who will have until **March 31, 2016** to respond and/or object. **Due to the nature of Plaintiff's allegations, any request for extension of time must be supported by a particularized showing of good cause and due diligence.**

IT IS FURTHER ORDERED that the Clerk of the Court is directed to send a copy of this Order and Plaintiff's letter [Doc. 7] to Defendants at the Northeast New Mexico Detention Facility, 185 Dr. Michael Jenkins Road, Clayton, New Mexico 88415.

THE PARTIES ARE HEREBY GIVEN NOTICE that the *Martinez* report may be used in deciding whether to grant Plaintiff emergency injunctive relief. Therefore, the parties should submit whatever materials they consider relevant to the allegations raised in Plaintiff's letter. See *Hall*, 935 F.2d 1106.

IT IS SO ORDERED.



STEPHAN M. VIDMAR
United States Magistrate Judge